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0876261	07/03/96	WOOLFORD FIRST NAMED APPLICANT	M	3616RN000861 NO.
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CSM1/0610

EXAMINER

MERCHANT GOULD SMITH EDELL
WELTER AND SCHMIDT
3100 NORWEST CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402

TAYLOR, D

ART UNIT

PAPER NUMBER

3506 121D
06/10/97

DATE MAILED:

NOTICE OF ALLOWABILITY

PART I.

- This communication is responsive to applicant's amendment filed 5/8/97
- All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
- The allowed claims are 1 + 30 - 74
- The drawings filed on _____ are acceptable.
- Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has [] been received. [] not been received. [] been filed in parent application Serial No. _____, filed on _____.
- Note the attached Examiner's Amendment.
- Note the attached Examiner Interview Summary Record, PTO-413.
- Note the attached Examiner's Statement of Reasons for Allowance.
- Note the attached NOTICE OF REFERENCES CITED, PTO-892.
- Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
 - Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. _____, CORRECTION IS REQUIRED.
 - The proposed drawing correction filed on _____ has been approved by the examiner. CORRECTION IS REQUIRED.
 - Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
 - Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments:

- Examiner's Amendment
- Examiner Interview Summary Record, PTO-413
- Reasons for Allowance
- Notice of References Cited, PTO-892
- Information Disclosure Citation, PTO-1449
- Notice of Informal Application, PTO-152
- Notice re Patent Drawings, PTO-948
- Listing of Bonded Draftsmen
- Other

BEST AVAILABLE COPY

Serial Number: 08/675,572

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Part III EXAMINER'S AMENDMENT

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

✓ On page 1 of the specification, in the amendatory matter added before the first sentence following the title, by the amendment filed July 3, 1996, line 10, "1996" has been changed to --1990--.

In claim 66, renumbered claim 38 for issue, paragraph d), line 3, after "portions", the following has been added -located at opposite sides of the front face which are generally perpendicular to the top and bottom faces and--

Authorization for this examiner's amendment was given by Mr. Schmidt, Applicant's Attorney, at the time of the interview of record on May 13, 1997.

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INFORMATION DISCLOSURE STATEMENT

The large number of patents cited in Applicant's Information Disclosure statement have been noted. Since Applicant has cited the references, it is presumed that Applicant is familiar with the teaching of each of these references and has drawn the claims to avoid the teaching of each and everyone of these references or any reasonable combination thereof. Moreover, it is Applicant's responsibility to point out to the examiner any reference which is particularly pertinent to the claimed invention.

Therefore, since it is Applicant's responsibility to draft the claims to avoid the teaching of any known prior art, it is assumed that the claims patentably define over the cited art. Rule 37 CFR 1.56(a) requires that Applicant state; I acknowledge the duty to disclose information of which I am aware which is material to the examination of this application. See MPEP 2004, paragraph 13. **This statement does not end with just the citing of the prior art, but includes any passage in the reference(s) which would have a bearing upon the patentability of any claim.**

Also, see Penn Yan Boats, Inc. V Sea Lark Boats, Inc., et al 175 USPQ 260, which states;

Applicant has obligation to call most pertinent prior patent to attention of Patent Office in a proper fashion and to attempt to patentably distinguish his claimed invention from disclosure of patent; failure to take these affirmative steps, particular

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when coupled with misrepresentation made to patent Office, renders unenforceable the patent issued on his application.

Further, note MPEP section 707.05(b), and the Ceco Corporation v. Bliss and Laughlin Industries Inc. decision, (head note 5), 195 USPQ 337.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Taylor whose **telephone number is (703) 308-1013**. The examiner can normally be reached on Monday-Thursday from 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tamara Graysay, can be reached on (703) 308-2144. The **fax phone number for this Group is (703) 305-3597 or 305-3598**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Dennis L. Taylor
DENNIS L. TAYLOR
PRIMARY EXAMINER
ART UNIT 3506

June 10, 1997
(7) 675572.i



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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NOTICE OF ALLOWANCE AND ISSUE FEE DUE

DSM1/0610

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/675,572	07/03/96	046	TAYLOR, D	0506 06/10/97
First Named Applicant	WOOLFORD, MICHAEL E.			

TITLE OF INVENTION: COMPOSITE MASONRY BLOCK

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
3 3616.20USC1	405-286.000	004	UTILITY	NO	\$1290.00	09/10/97

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above. If the SMALL ENTITY is shown as yes, verify your current SMALL ENTITY status:

A. If the status is changed, pay twice the amount of the FEE DUE shown and notify the Patent and Trademark Office of the change in status, or
B. If the status is the same, pay the FEE DUE shown above.

II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "6b" of Part B should be completed.

III. All communications regarding this application must give application number and batch number. Please direct all communication prior to issuance to Box ISSUE FEE unless advised to the contrary.

If the SMALL ENTITY is shown as NO:

A. Pay FEE DUE shown above, or
B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.